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In re Application of	:	
Topaloglou et al	:	DECISION ON
Application No.: 10/018,461	:	
PCT No.: PCT/IB00/00863	:	
Int. Filing Date: 28 June 2000	:	RENEWED PETITION
Priority Date: 29 June 1999	:	
Attorney's Docket No.: GLC0007-US	:	
For: BIOLOGICAL DATA PROCESSING	:	UNDER 37 CFR 1.137(b)

This decision is in response to applicants' "Renewed Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 14 October 2003.

BACKGROUND

In a decision from this Office on 15 September 2003, the petition filed on 09 June 2003 was dismissed. The decision stated that applicant's submitted declaration was defective because it showed Anthony KOSKY as the "sole or first inventor" without also listing Thodoros TOPALOGLOU as a joint inventor. 37 CFR 1.497(a)(3).

On 14 October 2003, applicants filed the instant renewed petition under 37 CFR 1.137(b).

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.


Petitioner has provided: (1) the proper reply by submitting a proper declaration, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371 date of this application is **14 October 2003**.



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